

AMENDED IN ASSEMBLY AUGUST 23, 2004  
AMENDED IN ASSEMBLY JANUARY 29, 2004  
AMENDED IN ASSEMBLY JULY 14, 2003  
AMENDED IN ASSEMBLY JULY 3, 2003

**SENATE BILL**

**No. 311**

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**Introduced by Senator Sher**  
**(Coauthor: Senator Alpert)**  
(Coauthors: Assembly Members Liu and Nation)

February 19, 2003

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An act to amend, ~~add, and repeal~~ *repeal, and add* Section 52124 of the Education Code, relating to class size, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 311, as amended, Sher. Education: class size.

Existing law establishes the Class Size Reduction Program, in which participating school districts are provided funding for each class in which the class size is reduced to a ratio of 20 pupils to 1 teacher in kindergarten and any of grades 1 to 3, inclusive.

Existing law requires the Class Size Reduction Program to be implemented in accordance with a prescribed order of priority based on grade level and requires the Controller to deduct a specified amount from the ~~district's~~ next principal apportionment *to the school district* for each class that the district failed to reduce to a class size of 20 or less pupils.

~~This bill would require any school district establishing a class size reduction program to select the grade level or levels at a schoolsite to~~

~~be reduced and to give priority to reducing class size in the selected grade level or levels before reducing class size in other grade levels at the schoolsite, so long as the school district first ensures that class size is reduced in grade 1 at the schoolsite. The bill would, through the 2005–06 school year until July 1, 2009, require the Controller to deduct from the district’s next principal apportionment of the district a specified amount based on the annual pupil enrollment of a class above a different prescribed number.~~

*This bill would authorize a school district located in the County of Los Angeles, Riverside, San Bernardino, San Diego, or Ventura to claim class size reduction funding for the 2003–04 school year based on enrollment counts before the October 2003 fires, in those classes if the district lost enrollment due to those fires or for a class that either exceeds 20 pupils or is housed with another class if the district experienced increases in enrollment due to those fires, as specified.*

*This bill would declare that due to the unique circumstances relating to the Counties of Los Angeles, Riverside, San Bernardino, San Diego, and Ventura, a general statute cannot be made applicable.*

This bill would make other technical and conforming changes.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 ~~SECTION 1. — Section 52124 of the Education Code is~~
- 2 *SECTION 1. Section 52124 of the Education Code is*
- 3 *amended to read:*
- 4 52124. (a) ~~Any~~ A school district that implements a ~~Class Size~~
- 5 ~~Reduction Program~~ *class size reduction program* pursuant to this
- 6 chapter is subject to this section.
- 7 (b) A school district may establish a program to reduce class
- 8 size in kindergarten and grades 1 to 3, inclusive, and that program
- 9 shall be implemented at each schoolsite according to the following
- 10 priorities:
- 11 (1) If only one grade level is reduced at a schoolsite, the grade
- 12 level shall be grade 1.
- 13 (2) If only two grade levels are reduced at a schoolsite, the
- 14 grade levels shall be grades 1 and 2.

(3) If three grade levels are reduced at a schoolsite, then those grade levels shall be kindergarten and grades 1 and 2 or grades 1 to 3, inclusive. Priority shall be given to the reduction of class sizes in grades 1 and 2 before the class sizes of kindergarten or grade 3 are reduced.

(4) If four grade levels are reduced at a schoolsite, then those grade levels shall be kindergarten and grades 1 to 3, inclusive. First priority shall be given to the reduction of class sizes in grades 1 and 2, second priority shall be given to the reduction of class size in kindergarten and grade 3. This paragraph shall be operative only in those fiscal years for which funds are appropriated expressly for the purposes of this paragraph.

(c) It is the intent of the Legislature to continue to permit the use of combination classes of more than one grade level to the extent that school districts are otherwise permitted to use that instructional strategy. However, any school district that uses a combination class in any class for which funding is received pursuant to this chapter may not claim funding pursuant to this chapter if the total number of pupils in the combination class, regardless of grade level, exceeds 20 pupils per certificated teacher assigned to provide direct instructional services.

(d) The governing board of a school district shall certify to the Superintendent of Public Instruction that it has met the requirements of this section in implementing its ~~Class-Size Reduction Program~~ *class size reduction program*. If a school district receives funding pursuant to this chapter but has not implemented its ~~Class-Size Reduction Program~~ *class size reduction program* for all grades and classes for which it received funding pursuant to this chapter, the Superintendent of Public Instruction shall notify the Controller and the school district in writing and the Controller shall deduct an amount equal to the amount received by the school district under this chapter for each class that the school district failed to reduce to a class size of 20 or less pupils from the school district's next principal apportionment or apportionments of state funds to the district, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution.

(e) *Except for a school district participating pursuant to subdivision (h) of Section 52122, the amount deducted pursuant to subdivision (d) shall be adjusted as follows:*

1     (1) Twenty percent of the amount to which the district would  
2 otherwise be eligible for each class for which the annual  
3 enrollment determined pursuant to Section 52124.5 is greater than  
4 or equal to 20.5 but less than 21.0.

5     (2) Forty percent of the amount to which the district would  
6 otherwise be eligible for each class for which the annual average  
7 enrollment determined pursuant to Section 52124.5 is greater than  
8 or equal to 21.0 but less than 21.5.

9     (3) Eighty percent of the amount to which the district would  
10 otherwise be eligible for each class for which the annual average  
11 enrollment determined pursuant to Section 52124.5 is greater than  
12 or equal to 21.5 but less than 21.9.

13     (4) The amount deducted pursuant to subdivision (d) for each  
14 class for which the annual average enrollment determined  
15 pursuant to 52141.5 is greater than or equal to 21.9 shall be the  
16 amount of funding the district received for the class pursuant to  
17 this chapter.

18     (f) Notwithstanding any other provision of this chapter, a  
19 school district located in the County of Los Angeles, Riverside, San  
20 Bernardino, San Diego, or Ventura may claim funding pursuant to  
21 this chapter for the 2003–04 school year based on enrollment  
22 counts before the October 2003 fires, in classes for which the class  
23 size reduction program is implemented if the following criteria are  
24 met:

25     (1) The school district submits to the Superintendent of Public  
26 Instruction a “Request for Allowance of Attendance because of  
27 Emergency Conditions” pursuant to Section 46392 and the  
28 emergency conditions were caused by the October 2003 fires.

29     (2) The school district certifies that it suffered a loss of  
30 enrollment in classes in which the class size reduction program is  
31 implemented and this loss of enrollment is due to the October 2003  
32 fires and would result in a decrease in funding that the district  
33 receives pursuant to this chapter.

34     (g) Notwithstanding any other provision of this chapter, a  
35 school district located in the County of Los Angeles, Riverside, San  
36 Bernardino, San Diego, or Ventura may claim funding for 20.44  
37 pupils pursuant to this chapter for the 2003–04 school year for a  
38 class that either exceeds 20 pupils or is housed with another class  
39 if the school district certifies the following:

1     (1) *The number of pupils enrolled in the district increased as a*  
2 *direct result of the October 2003 fires and this growth increased the*  
3 *numbers of pupils enrolled in classes in which the class size*  
4 *reduction program is implemented.*

5     (2) *The district lacked sufficient classroom space or*  
6 *credentialed teachers to accommodate the unexpected enrollment*  
7 *increase attributable to the October 2003 fires.*

8     (h) *This section shall be operative until July 1, 2009, and as of*  
9 *January 1, 2010, is repealed, unless a later enacted statute deletes*  
10 *or extend that date.*

11     SEC. 2. *Section 52124 is added to the Education Code, to*  
12 *read:*

13     52124. (a) *Any school district that implements a class size*  
14 *reduction program pursuant to this chapter is subject to this*  
15 *section.*

16     (b) *A school district may establish a program to reduce class*  
17 *size in kindergarten and grades 1 to 3, inclusive, and that program*  
18 *shall be implemented at each schoolsite according to the following*  
19 *priorities:*

20     (1) *If only one grade level is reduced at a schoolsite, the grade*  
21 *level shall be grade 1.*

22     (2) *If only two grade levels are reduced at a schoolsite, the*  
23 *grade levels shall be grades 1 and 2.*

24     (3) *If three grade levels are reduced at a schoolsite, then those*  
25 *grade levels shall be kindergarten and grades 1 and 2 or grades*  
26 *1 to 3, inclusive. Priority shall be given to the reduction of class*  
27 *sizes in grades 1 and 2 before the class sizes of kindergarten or*  
28 *grade 3 are reduced.*

29     (4) *If four grade levels are reduced at a schoolsite, then those*  
30 *grade levels shall be kindergarten and grades 1 to 3, inclusive.*  
31 *First priority shall be given to the reduction of class sizes in grades*  
32 *1 and 2, second priority shall be given to the reduction of class size*  
33 *in kindergarten and grade 3. This paragraph shall be operative*  
34 *only in those fiscal years for which funds are appropriated*  
35 *expressly for the purposes of this paragraph.*

36     (c) *It is the intent of the Legislature to continue to permit the use*  
37 *of combination classes of more than one grade level to the extent*  
38 *that school districts are otherwise permitted to use that*  
39 *instructional strategy. However, any school district that uses a*  
40 *combination class in any class for which funding is received*

1 pursuant to this chapter may not claim funding pursuant to this  
2 chapter if the total number of pupils in the combination class,  
3 regardless of grade level, exceeds 20 pupils per certificated  
4 teacher assigned to provide direct instructional services.

5 (d) The governing board of a school district shall certify to the  
6 Superintendent of Public Instruction that it has met the  
7 requirements of this section in implementing its class size  
8 reduction program.

9 If a school district receives funding pursuant to this chapter but  
10 has not implemented its class size reduction program for all grades  
11 and classes for which it received funding pursuant to this chapter,  
12 the Superintendent of Public Instruction shall notify the Controller  
13 and the school district in writing and the Controller shall deduct  
14 an amount equal to the amount received by the school district  
15 under this chapter for each class that the school district failed to  
16 reduce to a class size of 20 or less pupils from the school district's  
17 next principal apportionment or apportionments of state funds to  
18 the district, other than basic aid apportionments required by  
19 Section 6 of Article IX of the California Constitution.

20 (e) This section is operative on and after July 1, 2009.

21 SEC. 3. The Legislature finds and declares that due to unique  
22 circumstances relating to the Counties of Los Angeles, Riverside,  
23 San Bernardino, San Diego, and Ventura, a general statute cannot  
24 be made applicable within the meaning of Section 16 of Article IV  
25 of the California Constitution.

26 SEC. 4. This act is an urgency statute necessary for the  
27 immediate preservation of the public peace, health, or safety  
28 within the meaning of Article IV of the Constitution and shall go  
29 into immediate effect. The facts constituting the necessity are:

30 To provide much needed flexibility to school districts currently  
31 deciding whether to end participation in the Class Size Reduction  
32 Program, and to timely provide essential relief to school districts  
33 in the Counties of Los Angeles, Riverside, San Bernardino, San  
34 Diego, and Ventura that may receive a loss of state funding as a  
35 result of the fires that occurred in California during October of  
36 2003, it is necessary that this bill take effect immediately.

37  
38 ~~amended to read:~~

1     ~~52124. (a) A school district that implements a class size~~  
2 ~~reduction program pursuant to this chapter is subject to this~~  
3 ~~section.~~

4     ~~(b) A school district may establish a program to reduce class~~  
5 ~~size in kindergarten and grades 1 to 3, inclusive. In order to best~~  
6 ~~meet the needs of its pupils, the governing board of a school district~~  
7 ~~shall do both of the following:~~

8     ~~(1) Select the grade level or levels to be reduced at each~~  
9 ~~schoolsite.~~

10    ~~(2) Give priority to reducing class size in the selected grade~~  
11 ~~level or levels at the schoolsite before reducing class size in other~~  
12 ~~grade levels at that schoolsite. However, the governing board of a~~  
13 ~~school district shall first ensure that class size is reduced in grade~~  
14 ~~1 if it reduces class size in other grade levels at that schoolsite.~~

15    ~~(c) It is the intent of the Legislature to continue to permit the~~  
16 ~~use of combination classes of more than one grade level to the~~  
17 ~~extent that school districts are otherwise permitted to use that~~  
18 ~~instructional strategy. However, any school district that uses a~~  
19 ~~combination class in any class for which funding is received~~  
20 ~~pursuant to this chapter may not claim funding pursuant to this~~  
21 ~~chapter if the total number of pupils in the combination class,~~  
22 ~~regardless of grade level, exceeds 20 pupils per certificated teacher~~  
23 ~~assigned to provide direct instructional services.~~

24    ~~(d) The governing board of a school district shall certify to the~~  
25 ~~Superintendent of Public Instruction that it has met the~~  
26 ~~requirements of this section in implementing its class size~~  
27 ~~reduction program. If a school district receives funding pursuant~~  
28 ~~to this chapter but has not implemented its class size reduction~~  
29 ~~program for all grades and classes for which it received funding~~  
30 ~~pursuant to this chapter, the Superintendent of Public Instruction~~  
31 ~~shall notify the Controller and the school district in writing and the~~  
32 ~~Controller shall deduct an amount equal to the amount received by~~  
33 ~~the school district under this chapter for each class that the school~~  
34 ~~district failed to reduce to a class size of 20 or less pupils from the~~  
35 ~~school district's next principal apportionment or apportionments~~  
36 ~~of state funds to the district, other than basic aid apportionments~~  
37 ~~required by Section 6 of Article IX of the California Constitution.~~

38    ~~(e) This section shall become operative on and after January 1,~~  
39 ~~2007.~~



~~SEC. 2. Section 52124 is added to the Education Code, to read:~~

~~52124. (a) A school district that implements a class size reduction program pursuant to this chapter is subject to this section.~~

~~(b) A school district may establish a program to reduce class size in kindergarten and grades 1 to 3, inclusive. In order to best meet the needs of its pupils, the governing board of a school district shall do both of the following:~~

~~(1) Select the grade level or levels to be reduced at each schoolsite.~~

~~(2) Give priority to reducing class size in the selected grade level or levels at a schoolsite before reducing class size in other grade levels at that schoolsite. However, the governing board of a school district shall first ensure that class size is reduced in grade 1 if it reduces class size in other grade levels at that schoolsite.~~

~~(c) It is the intent of the Legislature to continue to permit the use of combination classes of more than one grade level to the extent that school districts are otherwise permitted to use that instructional strategy. However, any school district that uses a combination class in any class for which funding is received pursuant to this chapter may not claim funding pursuant to this chapter if the total number of pupils in the combination class, regardless of grade level, exceeds 20 pupils per certificated teacher assigned to provide direct instructional services.~~

~~(d) The governing board of a school district shall certify to the Superintendent of Public Instruction that it has met the requirements of this section in implementing its class size reduction program. If a school district receives funding pursuant to this chapter but has not implemented its class size reduction program for all grades and classes for which it received funding pursuant to this chapter, the Superintendent of Public Instruction shall notify the Controller and the school district in writing and the Controller shall deduct an amount equal to the amount determined pursuant to paragraphs (1) to (4), inclusive, of subdivision (c), as appropriate, for each class that the school district failed to reduce to a class size of 20 or less pupils from the school district's next principal apportionment or apportionments of state funds to the district, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution.~~



1 ~~(c) Except for school districts participating pursuant to~~  
2 ~~subdivision (h) of Section 52122, the amount deducted pursuant~~  
3 ~~to subdivision (d) shall be adjusted as follows:~~

4 ~~(1) Fifteen percent of the amount to which the district would~~  
5 ~~otherwise be eligible for each class for which the annual~~  
6 ~~enrollment determined pursuant to Section 52124.5 is greater than~~  
7 ~~or equal to 20.5 but less than 21.0.~~

8 ~~(2) Thirty percent of the amount to which the district would~~  
9 ~~otherwise be eligible for each class for which the annual average~~  
10 ~~enrollment determined pursuant to Section 52124.5 is greater than~~  
11 ~~or equal to 21.0 but less than 21.5.~~

12 ~~(3) Forty-five percent of the amount to which the district would~~  
13 ~~otherwise be eligible for each class for which the annual average~~  
14 ~~enrollment determined pursuant to Section 52124.5 is greater than~~  
15 ~~or equal to 21.5 but less than 22.~~

16 ~~(4) The amount deducted pursuant to subdivision (d) for each~~  
17 ~~class for which the annual average enrollment determined~~  
18 ~~pursuant to 52141.5 is greater than or equal to 22 shall be the~~  
19 ~~amount to which the district would otherwise be eligible for that~~  
20 ~~class for which it received funding pursuant to this chapter.~~

21 ~~(f) This section shall be operative through the 2005-06 school~~  
22 ~~year, and as of January 1, 2007, is repealed, unless a later enacted~~  
23 ~~statute deletes or extends that date.~~

24 ~~SEC. 3. This act is an urgency statute necessary for the~~  
25 ~~immediate preservation of the public peace, health, or safety~~  
26 ~~within the meaning of Article IV of the Constitution and shall go~~  
27 ~~into immediate effect. The facts constituting the necessity are:~~

28 ~~To provide much needed flexibility to school districts currently~~  
29 ~~deciding whether to end participation in the Class Size Reduction~~  
30 ~~Program, it is necessary that this bill take effect immediately.~~